IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.20893 of 2004

Between:

Ameena Anjuman, D/o. Mustaq,
R/o. Flat No.102, Swathi Towers, Dilsukhnagar,

Hyderabad.

..... PETITIONER

AND

1 Anuwar Ulum College of Education,

rep. by its Principal, at New Malakpet,
Hyderabad.
2 The Director of Post Graduate Admission, Osmania

University, Hyderabad.
3 The Principal Secretary to Govt., of Higher Education,

Govt of A.P., Secretary, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass order or direction more particularly in the nature of Writ of Mandamus declaring the letter issued by the respondent NO.1 vide letter No.1392/AW/Edu/2003, dated

09.12.2003 cancelling the admission of the petitioner B.Ed one year regular course for the academic year 2002-2003 as null and void and declare the petitioner herein is eligible for B.Ed., course and to permit the petitioner herein to write annual examinations of B.Ed for this academic year i.e., 2003-04.

Counsel for the Petitioner: MR.NAGESHWARA RAO PAPPU

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court at the stage of admission made the following:

O R D E R:

Heard both the counsel.

2. This writ petition is filed seeking to declare the letter issued by the 1st respondent No.1392/AW/Edn/2003, dated 9.12.2003 in canceling the admission of the petitioner for B.Ed. regular course for the academic year 2002-2003, as null and void and for consequential relief.

3. The brief facts that are necessary for disposal of the writ petition are that the petitioner is a graduate in B.A. with 41.4 per cent of marks. She qualified in the entrance examination conducted for the admission into B.Ed. course and joined in 1st respondent – college for the academic year 2002-2003. Now the grievance of the petitioner is that the 1st respondent by the impugned letter dated 9.12.2003 cancelled the admission of the petitioner on the ground that she secured below 45 per cent of marks in graduation.

4. The learned standing counsel for the 2nd respondent – University submitted that as per National Council for Teacher Education, the candidate prosecuting B.Ed. course shall possess at lest 45 per cent of marks in the aggregate in the Bachelors Degree. In support of his contention, he filed xerox copy of the letter, dated 21.12.1999 addressed by the Regional Director of National Council for Teacher

Education to the Registrar of Osmania University along with Norms and Standards for Teacher Education Institutions.

5. From a perusal of the copy of the above letter and the Norms and Standards for Teacher Education Institutions at clause 4.1.1 with regard to eligibility it is stated that candidates possessing at least 45 per cent marks in the aggregate in the Bachelor's degree are eligible for admission in B.Ed. course. Further the said condition is an essential condition and not desirable. The same is extracted as under for ready reference:

> "4.1 Admission
>
> 4.1.1 Eligibility
>
> Essential
>
> Candidates possessing at least 45% marks in the aggregate in the Bachelor's degree/Master's degree examination of a recognized University provided the applicant has offered at least two school subjects at the first and /or second degree level."

6. From the writ averments it is admitted that the petitioner secured only 41.4 per cent marks in her graduation and the requisite marks for admission into B.Ed. is 45 per cent. Therefore, it is clear that the petitioner does not possess the requisite percentage of marks in graduation. So even if the petitioner is admitted into B.Ed. course, that does not give any vested right to her, since her admission itself is contrary to the norms prescribed by the National Council for Teacher Education. Therefore, the petitioner is not entitled to sit for the examination even though she completed one-year course.

7. Further this court while exercising the jurisdiction under Article 226 of the Constitution of India cannot reduce the minimum percentage of marks prescribed by the expert body i.e., the National Council for Teacher Education. This court as well as the Apex Court have time and again held that in matters relating to education, courts shall not

interfere with or dilute the eligibility criteria fixed by the expert bodies.

8. Simply because the petitioner is admitted into B.Ed. course in a minority institution, that does not give any right to regularize her illegal admission.

9. For the foregoing reasons, I do not find any merit in the writ petition and the same is accordingly dismissed. No costs.

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02.12.2004

AVS/NSR

Note:

Issue c.c.in two days.

B/O

Avs/Nsr

To

1 Anuwar Ulum College of Education,

rep. by its Principal, at New Malakpet,
Hyderabad.

2 The Director of Post Graduate Admission, Osmania

University, Hyderabad.

3 The Principal Secretary to Govt., of Higher Education,

Govt of A.P., Secretary, Hyderabad.

4 Two CCs to GP for Higher Education, High Court of AP,

Hyderabad (OUT).

5 Two CD copies.